

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

BRADLEY COUSINS,

Plaintiff,

vs.

PORTFOLIO RECOVERY  
ASSOCIATES, LLC, and WESTERN  
SURETY COMPANY,

Defendants.

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No. 1:16-CV-852-DAE

ORDER (1) ADOPTING REPORT AND RECOMMENDATION  
OF THE MAGISTRATE JUDGE (DKT. # 42); (2) DENYING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT (DKT. # 14); AND (3) GRANTING  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (DKT. # 33)

Before the Court is a Report and Recommendation (the "Report")  
filed by United States Magistrate Judge Mark Lane on November 30, 2017 (Dkt.  
# 42) regarding: (1) a Motion for Summary Judgment filed by Bradley Cousins  
("Plaintiff") on March 13, 2017 (Dkt. # 14); and (2) a Motion for Summary  
Judgment filed by Portfolio Recovery Associates, LLC ("Portfolio") and Western  
Surety Company ("Western") (collectively, "Defendants") on August 29, 2017  
(Dkt. # 33). The Report recommends this Court deny Plaintiff's Motion for  
Summary Judgment (Dkt. # 14) and grant Defendants' Motion for Summary  
Judgment (Dkt. # 33). (Dkt. # 42.)

The parties had fourteen (14) days to file written objections to the Report, but no objections were filed. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). Where, as here, neither party objects to the Magistrate Judge's findings, the Court reviews the Report for clear error. United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989).

After careful consideration and review, the Court **ADOPTS IN FULL** the Magistrate Judge's Report. (Dkt. # 42.) The Court finds that the Magistrate Judge's conclusion to deny Plaintiff's Motion for Summary Judgment (Dkt. # 14) and grant Defendants' Motion for Summary Judgment (Dkt. # 33) is correct under Federal Rule of Civil Procedure 56. See FED. R. CIV. P. 56. Further, the Court finds that the Magistrate Judge's conclusion and recommendation are neither clearly erroneous nor contrary to law because the record shows that, among other things: (1) Plaintiff did not timely respond to Portfolio's Requests for Admissions; and (2) as a result, Plaintiff admitted that "at no time between March 2014 and April 21, 2016 did [he] notify Defendant that th[e] debt was inaccurate" or that "th[e] debt was disputed" (see Dkt. # 33-3 at 10).

Therefore, the Court **ORDERS** that Plaintiff's Motion for Summary Judgment is **DENIED** and Defendants' Motion for Summary Judgment is **GRANTED** (Dkts. ## 14, 33). In adopting the Report's recommendation, the Court is not "left with the definite and firm conviction that a mistake has been

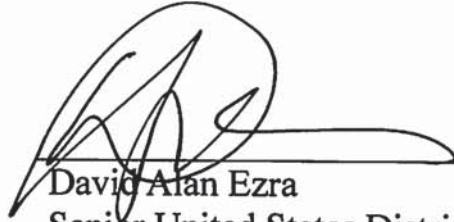
committed,” which would otherwise warrant reversal under clear error review. See Barto v. Shore Const., L.L.C., 801 F.3d 465, 471 (5th Cir. 2015) (internal quotations and citation omitted).

### CONCLUSION

For the reasons set forth, the Court (1) **ADOPTS IN FULL** the Magistrate Judge’s Report (Dkt. # 42), (2) **DENIES** Plaintiff’s Motion for Summary Judgment (Dkt. # 14); and (3) **GRANTS** Defendants’ Motion for Summary Judgment (Dkt. # 33).

**IT IS SO ORDERED.**

**DATED:** Austin, Texas, January 17, 2018.



David Alan Ezra  
Senior United States District Judge